

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

OMAR SEGURA,

Plaintiff,

v.

MALDONADO, *et al.*,

Defendants.

Case No. 1:23-cv-00780-JLT-BAM (PC)

ORDER GRANTING DEFENDANT'S  
MOTION REQUESTING AN EXTENSION  
OF TIME TO FILE A RESPONSIVE  
PLEADING  
(ECF No. 17)

ORDER VACATING DEADLINE TO FILE  
RESPONSE TO COMPLAINT

Plaintiff Omar Segura ("Plaintiff") is a former state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Coelho<sup>1</sup> and John Doe <sup>12</sup> for excessive force in violation of the Eighth Amendment.

Defendant Coelho filed an executed waiver of service on November 7, 2023, (ECF No. 16), and Defendant Coelho's answer is currently due on or before December 11, 2023, (*see* ECF Nos. 12, 14).

Currently before the Court are Defendant Coelho's motion for a thirty-day extension of time to file a responsive pleading and motion to revoke Plaintiff's *in forma pauperis* status, both filed December 8, 2023. (ECF Nos. 17, 18.)

<sup>1</sup> Erroneously sued as "Cohello."

<sup>2</sup> Defendant John Doe 1 has not yet been identified or served.

1 In the motion for extension of time, Defendant Coelho requests that the deadline to file his  
2 responsive pleading be extended until thirty days after the Court's resolution of the motion to  
3 revoke Plaintiff's *in forma pauperis* status. (ECF No. 17.) Defendant contends that if the Court  
4 grants Defendant's motion and revokes Plaintiff's *in forma pauperis* status, Plaintiff must either  
5 submit an affidavit in support of a request to proceed *in forma pauperis* as a non-prisoner or pay  
6 the full filing fee to proceed. If he fails to do so, the Court has the authority to dismiss this case,  
7 and may render a responsive pleading unnecessary. (*Id.*)

8 Although Plaintiff has not yet had the opportunity to respond to the motion for extension  
9 of time, the Court finds a response unnecessary, and the motion for extension of time is deemed  
10 submitted. Local Rule 230(l).

11 The Court finds good cause to grant the requested extension of time. The deadline for the  
12 filing of a response to the first amended complaint is vacated and will be reset as necessary and  
13 appropriate following resolution of the motion to revoke Plaintiff's *in forma pauperis* status.

14 Accordingly, IT IS HEREBY ORDERED as follows:

- 15 1. Defendant Coelho's motion requesting an extension of time to file a responsive pleading,  
16 (ECF No. 17), is GRANTED;
- 17 2. The deadline for Defendant Coelho to file a response to the first amended complaint is  
18 VACATED and will be reset as necessary following resolution of the motion to revoke  
19 Plaintiff's *in forma pauperis* status; and
- 20 3. Plaintiff's opposition or statement of non-opposition to the motion to revoke Plaintiff's *in*  
21 *forma pauperis* status, (ECF No. 18), remains due on or before **January 2, 2024**.

22  
23 IT IS SO ORDERED.

24 Dated: December 11, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE